

REMARKS/ARGUMENTS

Applicants have carefully reviewed the Office Action mailed June 23, 2008, prior to preparing this response. Currently claims 1-4, 6-34, 37-78 and 82-93 are pending in the application, wherein claims 1-4, 6-18, 20-34, 43, 73-78 and 82-93 have been rejected and claims 19, 37-42 and 44-72 have been withdrawn consequent an Examiner induced restriction requirement. Claims 37-42 and 44-72 have been cancelled with this paper. Applicants reserve the privilege to pursue these claims, or claims of a similar scope, in a divisional application. Favorable consideration of the above amendments and following remarks is respectfully requested.

Claim Rejections

Claims 1-4, 6-18, 20-29, 31, 33, 34, 43, 73-78, 82-84 and 88-93 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Grayzel et al., U.S. Patent No. 6,942,680, in view of Vigil et al., U.S. Patent No. 5,336,234. Applicants respectfully traverse this rejection.

As currently claimed, the discrete strip or striped portion extends along substantially the entire length of the balloon. Noting that Applicants are permitted to be their own lexicographer, Applicants respectfully assert the Examiner has failed to fully appreciate this limitation of the claims. See M.P.E.P. §2111.01.

The Court has provided guidance of claim interpretation during the examination process. In *In re Zletz*, the Court stated, “[d]uring patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.” *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989). However, this is not the end of the inquiry. The very next sentence of *Zletz*, which states, “[w]hen the applicant states the meaning that the claim terms are intended to have, the claims are examined with that meaning, in order to achieve a complete exploration of the applicant’s invention and its relation to the prior art,” provides further guidance during examination. *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989). Thus, the Examiner not only must give the claim limitations a reasonable interpretation, but that interpretation should be consistent with the meaning intended and stated by the Applicant. See also, *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005). The Examiner is precluded from giving claim limitations an

unreasonable interpretation when the broader definition is expressly disclaimed in the prosecution history. See, *In re Bigio*, 381 F.3d 1320, 1325, 72 USPQ2d 1209, 1211 (Fed. Cir. 2004).

In the previous Response submitted April 15, 2008, Applicants distinguished the claim limitation that the discrete strip or striped portion “extends along substantially the entire length of the balloon” from that shown in Grayzel. For instance, Applicants indicated in the previous Response that “co-extruded discrete striped portions 32 can extend for substantially the entire length of the balloon 24 (i.e., through the body portion 34, the tapered portions 36, and the sleeve portions 38 of the balloon 24).” See Amendment, April 15, 2008, at page 1. Thus, this is the meaning that should be given to the claimed limitation during prosecution.

Dissimilarly, Grayzel discloses that the stiffening members are only present on the central cylindrical portion of the balloon. The stiffening members are not disclosed as being included in the tapered end portions of the balloon or other portions of the balloon, as required by the current claim limitation.

For at least these reasons, Grayzel fails to meet at least this limitation as currently claimed. The teachings of Vigil fail to remedy these deficiencies of Grayzel. Therefore, withdrawal of the rejection is respectfully requested as a *prima facie* case of obviousness has not been established.

Claims 30 and 85-87 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Grayzel et al., U.S. Patent No. 6,942,680, in view of Vigil et al., U.S. Patent No. 5,336,234, and further in view of Roychowdhury, U.S. Patent No. 5,587,125. Applicants respectfully traverse this rejection. For at least the reasons above, a *prima facie* case of obviousness of independent claims 1, 14 and 43 has not been established with the cited combination of Grayzel and Vigil. Roychowdhury fails to remedy the stated shortcomings of Grayzel and Vigil. Therefore, for at least the reasons stated above, Applicants assert a *prima facie* case of obviousness has not been established regarding claims 30 and 85-87. Withdrawal of the rejection is respectfully requested.

Claim 32 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Grayzel et al., U.S. Patent No. 6,942,680, in view of Vigil et al., U.S. Patent No. 5,336,234, and further in view of Spears, U.S. Patent No. 5,092,841. Applicants respectfully traverse this

rejection. For at least the reasons above, a prima facie case of obviousness of independent claim 14 has not been established with the cited combination of Grayzel and Vigil. Roychowdhury fails to remedy the stated shortcomings of Grayzel and Vigil. Therefore, for at least the reasons stated above, Applicants assert a prima facie case of obviousness has not been established regarding claim 32. Withdrawal of the rejection is respectfully requested.

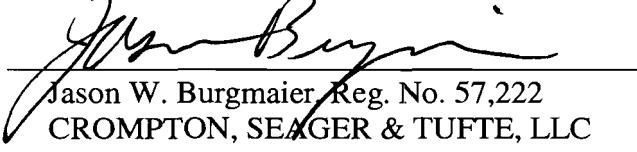
CONCLUSION

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that the claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,
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By their attorney,

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